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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,795	12/27/2004	Toshio Saito	01050-1001	3070

7590 06/19/2006

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,795

Applicant(s)

SAITO ET AL.

Examiner

David D. Davis

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shishido et al (JP 2002-093115). As per claims 1 and 6, Shishido et al shows in figures 1 and 3 a dynamic vibration absorber for an optical disk device including a base chassis 14 for holding a motor 40 mounted on a case of the optical disk device through a first elastic body 13E. Shishido also shows in figures 1 and 3 a second elastic body 13C for supporting a counterweight 12 constituting the dynamic vibration absorber on the base chassis 14. The second elastic body 13C is integrally formed with the first elastic body 13E into a single body 13.

As per claim 2, Shishido et al discloses an optical device the dynamic vibration absorber. As per claims 3 and 7, Shishido et al shows in figure 3 first elastic body 13E larger than second elastic body 13C. Also, figure 3 shows body 13E mounted to chassis 14. As a result, an elastic coefficient of the first elastic body 13E is lower than an elastic coefficient of the second elastic body 13C.

As per claim 4, Shishido et al discloses a method of determining a vibration frequency of a dynamic vibration absorber for an optical disk device having a base chassis 14 for holding a motor 40 is mounted on a case of the optical disk device through a first elastic body 13E and a second elastic body 13C for supporting a counterweight 12 constituting the dynamic vibration

absorber on the base chassis 14. The second elastic body 13C is integrally formed with the first elastic body 13E into a single body, as shown in figure 3.

Shishido et al also discloses in figure 4 adjusting at least one of an outer diameter and a thickness of the second elastic body 13C and determining a vibration frequency of the dynamic vibration absorber corresponding to the adjusted at least one of the outer diameter and the thickness of the second elastic body.

As per claim 5, Shishido et al discloses a first elastic body 13E and a second elastic body 13C including the same thermosetting elastic rubber of elastomer materials. As per claim 6, figure 1 of Shishido et al shows a plurality of apparatuses.

Response to Arguments

2. Applicant's arguments filed March 16, 2006 have been fully considered but they are not persuasive. Applicant asserts in the sentence bridging pages 6 and page 7 the following: "At no point does *Shishido et al* even suggest the existence of first and second elastic bodies, much less a 'wherein said second elastic body is **integrally formed** with said first elastic body into a single body;". It is curious as to way applicant purports that the second elastic body 13C is not integrally formed with the first elastic body 13E into a single body 13 as shown in figure 1. Figure 1 clearly shows single body 13, which includes bodies 13C and 13E, as one piece.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

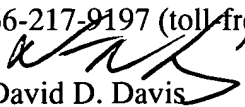
Art Unit: 2627

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


David D. Davis
Primary Examiner
Art Unit 2627

ddd